

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-1007

\$475,823.75, MORE OR LESS,  
IN UNITED STATES CURRENCY;  
TWO REAL PROPERTIES IN  
WEST VIRGINIA and ONE REAL  
PROPERTY IN KENTUCKY, together  
with all improvements thereon  
and appurtenances thereto,

Defendants.

(Myra C. Miller, and  
John J. Miller;  
No pending federal criminal charges)

AGREED ORDER

Come now the parties, the United States of America, by counsel, Betty A. Pullin, Assistant United States Attorney; Myra C. Miller and W D, LLC, by their counsel, John D. Wooton, Esquire; John J. Miller, by his counsel, Gregory J. Campbell, Esquire; and Henry Vinson, Vinsonian Investments, LLC, and Thirty-Five West Third Ave., LLC, by their counsel, Paul M. Stroebel, Esquire, and hereby submit this proposed agreed order, as directed by the court's order of August 18, 2011 (Doc. 52), regarding the United States application for a restraining order to restrain certain foreclosure proceedings initiated by Henry Vinson, et al., against

defendant real property situated on West Third Avenue, Williamson, Mingo County, West Virginia, and the agreement by counsel for Henry Vinson, et al., to a stay of those foreclosure proceedings and to maintain the status quo of the properties for a certain period of time.

The parties have agreed as follows:

1. Claimants Henry Vinson, et al., have agreed to refrain from foreclosing or taking any other similar action against the defendant real properties situated on West Third Avenue, Williamson, Mingo County, West Virginia, for a period of at least 60 days, starting August 17, 2011;

2. During that period of time, the following persons and/or business entities who have been identified by counsel for W D, LLC, and Myra C. Miller, as being occupants and/or tenants of the premises, shall be permitted to remain on the premises under the terms and conditions that were in existence at the time of filing of this forfeiture action:

(A) Tug Valley Animal Hospital, which is neither owned, managed nor controlled by any of the claimants in this forfeiture proceeding, occupies the building having a street address of 55 West Third Avenue, Williamson, West Virginia. Tug Valley Animal Hospital pays \$1,900.00 monthly rent to W D, LLC, for the usage of its space;

(B) Dirt Cheap, a clothing and accessories store owned, managed and controlled by MOO Managements, Inc., occupies the building having a street address of 35 West Third Avenue, Williamson, West Virginia. Dirt Cheap has no lease and pays utilities in lieu of rent;

(C) Quick Mart, a convenience store/snack shop owned, managed and controlled by MOO Managements, Inc., occupies the building having a street address of 35 West Third Avenue, Williamson, West Virginia. Quick Mart has no lease and pays no rent;

(D) Dr. J. V. Teleron, M.D., a physician specializing in family practice, occupies the building having a street address of 35 West Third Avenue, Williamson, West Virginia. This medical practice has no lease and pays no rent; and

(E) The buildings situated at 45, 65 and 75 West Third Avenue are vacant.

3. Claimants W D, LLC, MOO Managements, Inc., and/or Myra C. Miller, have been paying the utilities, maintaining insurance on the premises and paying the property taxes, and have agreed to continue doing so for at least the next 60 days;

4. Claimants W D, LLC, and/or Myra C. Miller, John J. Miller, and Henry Vinson, Vinsonian Investments, LLC, and Thirty-Five West Third Ave., LLC, hereby agree to refrain from taking any action to remodel or otherwise alter the appearance and/or

structures of the West Third Avenue properties, except for general maintenance and upkeep, and to refrain from further encumbering, alienating, or taking any other action to affect title to the West Third Avenue properties, for at least the next 60 days;

5. The foregoing terms constitute the entire agreement among the parties.

WHEREFORE, the Court hereby FINDS that the foregoing terms as agreed upon by the parties in this case preserve the availability and maintain the status quo of the West Third Avenue properties for at least the next 60 days.

IT IS HEREBY ORDERED that the foregoing terms shall remain in effect for a period of at least 60 days, beginning on August 17, 2011, and unless the parties voluntarily agree to further extend the terms upon the expiration of the 60 days, the Court will take into consideration any further matters relative to the state foreclosure proceedings at its status conference presently scheduled for October 21, 2011, at 10:00 a.m.

IT IS SO ORDERED this 2nd day of September, 2011.

ENTER: September 2, 2011

  
JOHN T. COPENHAVER, JR.  
United States District Judge

ORDER PREPARED BY:

s/Betty A. Pullin

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ORDER SEEN AND AGREED TO BY:

s/John D. Wooton

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